

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

	)	<b>CONSOLIDATED CASE</b>
	)	<b>NO. 4:03CV3195</b>
<b>IN RE: DERAILMENT CASES</b>	)	
	)	4:02CV3068
	)	7:02CV3131
	)	4:02CV3200
	)	4:02CV3332
	)	4:02CV3334
	)	4:02CV3335
	)	4:02CV3336
	)	4:02CV3337
	)	4:02CV3338
	)	4:02CV3339
	)	4:02CV3340
	)	4:02CV3341
	)	4:02CV3342
	)	4:02CV3343
	)	4:02CV3344
	)	4:03CV3043
	)	4:03CV3050
	)	
	)	<b>MEMORANDUM AND ORDER</b>

This court has received the mandate of the Court of Appeals regarding the appeal of the award of costs to the Burlington Northern and Santa Fe Railroad (“BNSF”) and Montana Rail Link (“MRL”). (Filing 961.) I shall direct the parties to advise the court as to how it should proceed in light of the mandate. The parties shall specifically address what effect, if any, the \$1,500 sanction awarded against MRL (filing 772) has on MRL’s cost award. The parties shall also address the effect, if any, of Judge Piester’s order granting BNSF’s motion for \$4,500 of credits in case no. 4:02CV3068 (filing 96) upon the award of costs to BNSF in the consolidated case.

IT IS ORDERED:

1. Within 30 days of the date of this order, the parties shall submit simultaneous briefs advising the court as to how it should proceed in light of the mandate regarding the award of costs. The parties may file a joint brief or separate briefs;

2. Reply briefs, if any, shall be submitted 10 days after service of the brief to which reply is made; and

3. As issues remain in case no. 4:02CV3068, and the parties have consented to the exercise of jurisdiction by Magistrate Judge Piester to resolve those remaining substantive issues, the Clerk of the Court shall provide a copy of this order to Judge Piester.

August 31, 2005.

BY THE COURT:

*s/Richard G. Kopf*  
United States District Judge